

ORIGINAL**In the United States Court of Federal Claims**

No. 16-973 C

Filed: January 3, 2017

FILED

JAN - 3 2017

U.S. COURT OF
FEDERAL CLAIMS

ADAN MAGARITOS
FLORES-LAGONAS,Plaintiff, *pro se*,

v.

THE UNITED STATES,

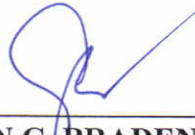
Defendant.

ORDER

On October 11, 2016, the Government filed a Motion To Dismiss the above-captioned case, pursuant to RCFC 12(b)(1). ECF No. 5. Plaintiff's response was due on, or before, November 14, 2016. As of January 3, 2017, Plaintiff has not filed any response to the October 11, 2016 Motion To Dismiss.

Furthermore, on November 8, 2016, the court issued an Order instructing Plaintiff to submit either the required filing fee or an application to proceed *in forma pauperis*, pursuant to RCFC 77.1(c)(1) and 28 U.S.C. § 1926. ECF No. 6. As of January 3, 2017, Plaintiff has not complied with the November 8, 2016 Order.

Pursuant to RCFC 41(b), the court may dismiss Plaintiff's claim, with prejudice, for failure to prosecute. *See* RCFC 41(b) ("If the plaintiff fails to prosecute or to comply with [the RCFC] or a court order, the court may dismiss on its own motion Unless the dismissal order states otherwise, a dismissal under this subdivision . . . operates as an adjudication on the merits[.]"). Because Plaintiff has not filed a Response to the October 11, 2016 Motion To Dismiss and has not complied with the November 8, 2016 Order, this case is dismissed, with prejudice, for failure to prosecute. Accordingly, the Clerk is directed to close this case. The Government's October 11, 2016 Motion To Dismiss is moot.

IT IS SO ORDERED.

 SUSAN G. BRADEN
 Judge